

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LISA JESSEN,

Plaintiff,

v.

Case No. 09-12280
Honorable David M. Lawson

CIGNA GROUP INSURANCE and LIFE
INSURANCE COMPANY OF NORTH
AMERICA,

Defendants.

ORDER DENYING MOTION FOR COSTS AND ATTORNEY'S FEES

On June 21, 2011, this Court entered an opinion and order granting plaintiff's motion to reverse administrative denial of insurance benefits and denying defendant's motion to affirm the administrator's decision. On June 22, 2011, the plaintiff requested costs and attorney's fees under Federal Rule of Civil Procedure 54 and 29 U.S.C. § 1132(g). The Court denied the plaintiff's request for failure to state the amount of attorney's fees requested and for failure to provide documentation that would allow the Court to calculate reasonable attorney's fees. This matter is before the Court on the plaintiff's second motion for costs and attorney's fees.

The plaintiff's second motion for costs and attorney's fees asks the Court to consider an issue already decided by the Court. Although the plaintiff's latest motion for costs and attorney's fees includes the information that the Court previously identified as lacking, the plaintiff has not moved this Court to reconsider its previous decision. Motions for reconsideration may be granted pursuant to E.D. Mich. LR 7.1(h)(1) when the moving party shows (1) a "palpable defect," (2) that misled the court and the parties, and (3) that correcting the defect will result in a different disposition of the case. E.D. Mich. LR 7.1(h)(3). A "palpable defect" is a defect which is obvious, clear,

unmistakable, manifest, or plain. *Mich. Dep't of Treasury v. Michalec*, 181 F. Supp. 2d 731, 734 (E.D. Mich. 2002) (citations omitted). The plaintiff has not pointed to a palpable defect that misled the Court; therefore, the Court will not reconsider its previous decision.

Accordingly, it is **ORDERED** that the plaintiff's second motion for costs and attorney's fees [dkt. #30] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: July 14, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 14, 2011.

s/Deborah R. Tofil
DEBORAH R. TOFIL